CHAPTER cxcvi.

An Act to confer further powers on the Derwent Valley Water Board to confer powers upon the corporation of Leicester with respect to the works authorised to be constructed by that corporation under the powers of the Derwent Valley Water Act 1899 to confer borrowing powers upon the corporations of Derby Leicester Sheffield and Nottingham and for other purposes. A.D. 1904.

[15th August 1904.]

WHEREAS by the Derwent Valley Water Act 1899 (in this Act referred to as "the Act of 1899") a Board (in this Act referred to as "the Board") was incorporated to consist of thirteen persons who should be members of and represent the following bodies (in the said Act and in this Act referred to as "the constituent authorities") (that is to say):— 62 & 63 Vict. c. celxix.

The council of the borough of Derby;
The council of the borough of Leicester;
The council of the city of Nottingham;
The council of the city of Sheffield; and
The county council of the county of Derby:

And the Board were authorised to construct and maintain in the counties of Derby and Leicester and in the west riding of the county of York certain reservoirs aqueducts lines of pipes and other waterworks and certain railways road diversions and other works in connection with and for the purposes of the said waterworks and to divert impound and appropriate (subject to the provisions as to compensation water in the said Act contained) the waters of the Rivers Derwent and Ashop and their respective tributaries and to supply water to the municipal corporations of the said boroughs and cities (in the Act of 1899 and in this Act

A.D. 1904.

referred to as "the four corporations") in the proportions and upon the terms of payment specified in the Act of 1899:

1 Edw. vii. c. lxxx.

And whereas by the Derwent Valley Water Act 1901 (in this Act referred to as "the Act of 1901") the Board were authorised to abandon certain of the works authorised by the Act of 1899 and to construct certain other works in lieu thereof:

And whereas the Board have commenced to carry into execution the powers of the Act of 1899 and it is expedient and will tend to the better and more economical distribution of the water which the Board are authorised to take that they should be empowered to abandon certain further portions of the works authorised by the Act of 1899 and construct other works in this Act described in lieu thereof:

And whereas by the Act of 1899 the mayor aldermen and burgesses of the borough of Leicester (in this Act referred to as "the Leicester Corporation") were authorised to construct certain works including aqueducts and service reservoirs for the reception and utilisation of the water which under the powers of the Act of 1899 the Leicester Corporation are entitled to require the Board to supply to them and it is expedient that powers as in this Act contained should be conferred upon the Leicester Corporation for the abandonment of certain of the works so authorised and for the construction of other works:

And whereas by the Act of 1899 the Board were empowered to borrow a sum of five million five hundred thousand pounds for the purchase of lands and for the construction of the works by that Act authorised and provisions were made with reference to the payment off of the money borrowed it being provided that the Board should not be obliged to pay any instalment or make any payment into sinking fund in respect of the money so borrowed during a period of ten years from the thirty-first day of December one thousand eight hundred and ninety-nine and powers were also conferred upon the Board for the borrowing of moneys for the payment of interest accruing due on moneys borrowed by them under the Act of 1899 until the expiration of ten years from the date of the passing of that Act:

And whereas by the Act of 1899 the Leicester Corporation were authorised to borrow money for the carrying into execution of the powers by that Act conferred upon them:

And whereas by the Act of 1901 the Board were authorised to borrow further money under provisions similar to those contained in the Act of 1899 with respect to money borrowed under

that Act including the provisions for borrowing money for the payment of interest accruing due on borrowed moneys previously to the expiration of ten years from the passing of that Act:

And whereas it is expedient that the Board should be empowered to borrow money for payment of interest during a period coterminous with that for which they are enabled to suspend the payments into sinking fund and that they should have in respect of moneys required for the payment of instalments of principal and of principal and interest combined the same powers of borrowing as they have in respect of moneys required for the payment of interest:

And whereas doubts have been raised as to the power of the Board under the Acts of 1899 and 1901 to agree to pay and to pay during the said period of ten years from the thirty-first day of December one thousand eight hundred and ninety-nine instalments of principal or of principal and interest combined in respect of moneys borrowed and it is expedient that such doubts should be removed:

And whereas it is expedient that the four corporations should be empowered to borrow any moneys which they may by any precepts of the Board be required to pay previously to the thirty-first day of December one thousand nine hundred and nine and that the provisions in that behalf contained in this Act should be made:

And whereas it is expedient that the time limited by the Act of 1899 for the compulsory purchase of lands by the Board and the Leicester Corporation respectively should be extended:

And whereas it is expedient to make such other provisions as are in this Act contained:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and the lands to be taken for the purposes thereof and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands which are authorised to be acquired under the powers of this Act were duly deposited with the respective clerks of the peace for the counties of Derby and Leicester and the said documents are hereinafter respectively referred to as the deposited plans sections and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and

A.D. 1904.

with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

Part I.

Preliminary.

Short title.

1. This Act may be cited as the Derwent Valley Water Act 1904 and this Act and the Acts of 1899 and 1901 may be cited together as the Derwent Valley Water Acts 1899 to 1904.

Act divided into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Preliminary.
Part II.—Abandonment of works.
Part III.—New works.
Part IV.—Finance.
Part V.—Powers to four corporations to borrow.
Part VI.—Miscellaneous.

Incorporation of Acts.

3. The following Acts and parts of Acts (that is to say):—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845);

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof;

The Waterworks Clauses Act 1847 (except the provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit);

The Waterworks Clauses Act 1863;

so far as they are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

4. In this Act unless the subject or context otherwise requires terms to which meanings are assigned in the Derwent Valley Water Acts 1899 and 1901 and in Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings.

In the Railways Clauses Consolidation Act 1845 for the purposes of this Act—

"The railway" shall mean the aqueducts and service reservoirs by this Act authorised and "the centre of the railway"

shall mean the centre line of the said aqueducts and the limits of the said service reservoirs as shown on the deposited plans.

In the sections of the Act of 1899 and the Act of 1901 incorporated with or the provisions of which are extended and applied to this Act the expression "this Act" shall for the purposes of this Act mean the Derwent Valley Water Act 1904.

PART II.

ABANDONMENT OF WORKS.

Abandonment by Board of certain works authorised by Act of 1899.

5. The Board may and shall abandon the construction of the following works (that is to say) :—

(A) So much of Work No. 43 authorised by the Act of 1899 as lies between the commencement and termination of Work No. 1 by this Act authorised ;

(B) So much of Work No. 51 authorised by the Act of 1889 as lies between the commencement of Work No. 2 by this Act authorised and the termination of Work No. 3 by this Act authorised ; and

(C) So much of the road diversion Work No. 6 authorised by the Act of 1901 as lies between the point where the said work crosses the county boundary near Abbey Grange and the point where the said work crosses the existing road near Marebottom Farm and all obligations imposed by the Act of 1899 upon the Board for the construction of the roads for which the said Work No. 6 is in substitution shall cease Provided that nothing in this Act shall prejudice diminish or affect the rights powers or privileges of the Most Noble Henry Duke of Norfolk his heirs and assigns under section 73 of the Act of 1899.

Abandonment by Leicester Corporation of certain works authorised by Act of 1899.

6. The Leicester Corporation may and shall abandon the construction of the following works and portions of works authorised by the Act of 1899 to be constructed by them (that is to say) :—

(A) Those portions of Work No. 1 which lie between the respective points of commencement and termination of Works Nos. 9 and 10 by this Act authorised :

(B) So much of the said Work No. 1 as lies to the southward of the point of commencement of Work No. 11 by this Act authorised :

(C) Works Nos. 2 and 3 :

A.D. 1904.

(D) So much of Work No. 7 as lies between the points of commencement and termination of Work No. 18 by this Act authorised :

(E) Work No. 9 :

(F) Work No. 10.

Compensation for damage to land by entry &c. for purposes of works abandoned.

7. The abandonment by the Board or the Leicester Corporation of the works hereinbefore authorised to be abandoned by them respectively shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Board or the Leicester Corporation on such lands for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of the work and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Board or the Leicester Corporation to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation Act 1845.

Compensation to be made in respect of works abandoned.

8. Where before the passing of this Act any contract has been entered into or notice given by the Board or the Leicester Corporation as the case may be for the purchasing of any lands for the purposes of or in relation to any of the works authorised by this Act to be abandoned the Board or the Leicester Corporation shall (if the Board or the Leicester Corporation so desire) be released from all liability to purchase or to complete the purchase of any such lands (so far as the same are not required for the purpose of the works by this Act authorised) but full compensation shall be made by the Board or the Leicester Corporation as the case may be to the owners and occupiers or other persons interested in such lands for all injury or damage sustained by them or any of them by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation to be paid for lands taken under the provisions thereof.

Part III.

New Works.

Power to Board to construct works.

9. Subject to the provisions of this Act the Board may make and maintain in the situations and lines and according to the

levels shown on the deposited plans and sections the works hereinafter described together with all proper works and conveniences connected therewith or ancillary thereto and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for or in connection with those purposes (that is to say):—

Work No. 1 An aqueduct (to be called Aqueduct Diversion No. 1) consisting of one or more lines of pipes being a deviation of part of Work No. 43 authorised by the Act of 1899 commencing at the Bamford Filters in the parish or township of Bamford and terminating in the parish or township of Hathersage by a junction with the said Work No. 43 at a point about 2 chains measured in an easterly direction from the bridge carrying the Midland Railway over the public road from Castleton to Hathersage:

Work No. 2 An aqueduct (to be called Aqueduct Diversion No. 2) consisting of one or more lines of pipes being a deviation of part of Work No. 51 authorised by the Act of 1899 commencing in the parish or township of Crich at the Ambergate service reservoir and terminating in the parish of Horsley at a point on the southern fence of Outram's tramway about four chains measured in a south-westerly direction from the filter bed of the Derby Corporation:

Work No. 3 An aqueduct (to be called Aqueduct Diversion No. 3) consisting of one or more lines of pipes being a deviation of part of Work No. 51 authorised by the Act of 1899 commencing in the parish of Horsley at the termination of Work No. 2 and terminating in the parish or township of Sawley and Wilsthorpe by a junction with the Leicester Corporation Work No. 1 authorised by the Act of 1899 in the road leading from Wilne Mills to the village of Sawley:

Work No. 4 An aqueduct (to be called Aqueduct No. 8) consisting of one or more lines of pipes commencing in the parish of Horsley at the termination of Work No. 2 and terminating in the parish of Breadsall in the authorised Little Eaton High Level Service Tank (Work No. 3 authorised by the Act of 1899 to be constructed by the Derby Corporation):

Work No. 5 An aqueduct (to be called Aqueduct No. 7) consisting of one or more lines of pipes situate wholly in the parish of Breadsall commencing by a junction with Work No. 3 in the south-westerly corner of Moor Plantation and terminating on the summit of Drum Hill:

A.D. 1904.

Work No. 6 An aqueduct (to be called Aqueduct No. 5) consisting of one or more lines of pipes commencing in the parish of Crich at the said Ambergate Service Reservoir and terminating in the parish of Heage in the public road leading from Ambergate to Bullbridge near the bridge carrying the Ambergate and Pye Bridge branch of the Midland Railway over the said road:

Work No. 7 An aqueduct (to be called Aqueduct No. 6) consisting of one or more lines of pipes commencing in the parish of Heage at the termination of Work No. 6 and terminating in the parish and urban district of Heanor at the point where the boundary between the counties of Nottingham and Derby crosses the public road leading from Langley Mill to Eastwood:

Work No. 8 A washout consisting of one or more lines of pipes situate wholly in the parish of Dethick Lea and Holloway commencing by a junction with Work No. 43 hereinbefore referred to in the public road leading from Lea to Holloway near the United Methodist Free Chapel at Holloway and terminating in the stream to the west of the house called Leawood:

Provided that the lands numbered 57 58 59 and 60 in the parish of Breadsall shown on the deposited plans and described in the deposited book of reference are hereby excepted from the powers of this Act.

Power to Leicester Corporation to construct works.

10. Subject to the provisions of this Act the Leicester Corporation may make and maintain in the situations and lines shown upon the deposited plans and according to the levels shown upon the deposited sections the works hereinafter described together with all proper works and conveniences connected therewith or ancillary thereto and may enter upon take and use such of the lands delineated upon the deposited plans and described in the deposited book of reference as they may require for or in connection with those purposes (that is to say):—

Work No. 9 An aqueduct consisting of one or more lines of pipes being a deviation of the Work No. 1 authorised by the Act of 1899 to be constructed by the Leicester Corporation commencing by a junction with the said authorised Work No. 1 in the parish of Shardlow in the county of Derby near the footbridge situate on the southern side of the River Trent and twenty chains or thereabouts westward from Derwent Mouth and terminating in the parish of Lockington

in the county of Leicester by a junction with the said authorised Work No. 1 at the point where the public road from Derby to Kegworth is joined by the road from Ratcliffe-on-Soar :

Work No. 10 An aqueduct consisting of one or more lines of pipes being a deviation of the said authorised Work No. 1 commencing by a junction with that work in the parish of Nanpantan about five chains northward of Forest Road and terminating in the parish of Woodhouse by a junction with the said authorised Work No. 1 at the point where the public road from Woodhouse to Swithland is joined by the road from Woodhouse Eaves :

Work No. 11 An aqueduct consisting of one or more lines of pipes being a deviation of part of the said Work No. 1 and of the Works Nos. 2 and 3 authorised by the Act of 1899 to be constructed by the Leicester Corporation situate wholly in the parish of Newtown Linford commencing by a junction with the said authorised Work No. 1 in Swithland Wood and terminating near the south-easternmost corner of the existing Hall Gates Service Reservoir :

Work No. 12 An aqueduct consisting of one or more lines of pipes wholly in the said parish of Newtown Linford commencing by a junction with Work No. 11 at a point eight chains or thereabouts measured in a south-westerly direction from the said public road from Shepshed to Thurcaston and terminating in the service reservoir Work No. 14 by this Act authorised :

Work No. 13 A low-level service reservoir at Hall Gates wholly in the said parish of Newtown Linford adjoining the Hall Gates Low Level Reservoir Work No. 4 authorised by the Act of 1899 to be constructed by the Leicester Corporation :

Work No. 14 A middle-level service reservoir at Hall Gates wholly in the said parish of Newtown Linford on the south-western side of and adjoining the existing Hall Gates Service Reservoir :

Work No. 15 An aqueduct consisting of one or more lines of pipes commencing in the said parish of Newtown Linford in the Hall Gates High Level Service Reservoir authorised by the Act of 1899 and terminating in the parish of Cropston by a junction with the Work No. 7 authorised by the Act of 1899 to be constructed by the Leicester Corporation at a

A.D. 1904.

point in the main road from Shepshed to Thurcaston near the entrance to the existing Cropston Waterworks :

Work No. 16 An aqueduct consisting of one or more lines of pipes wholly in the said parish of Newtown Linford commencing in the middle-level Hall Gates Service Reservoir by this Act authorised and terminating by a junction with Work No. 15 about four chains south of the said main road from Shepshed to Thurcaston :

Work No. 17 An aqueduct or overflow consisting of one or more lines of pipe wholly in the said parish of Newtown Linford commencing by a junction with the existing overflow at the northern end of the private road leading to Hall Gates Service Reservoir and terminating at the Cropston Reservoir :

Work No. 18 An aqueduct consisting of one or more lines of pipes being a deviation of part of the Work No. 7 authorised by the Act of 1899 to be constructed by the Leicester Corporation wholly within the parish and county borough of Leicester commencing by a junction with that work at the point where the public road from Thurcaston to Belgrave is joined by Abbey Lane and terminating by a junction with that work at the point where the public road from Loughborough to Leicester is joined by Bath Street :

Work No. 19 An aqueduct consisting of one or more lines of pipes wholly in the parish of Evington commencing by a junction with the said authorised Work No. 7 in the field numbered 175 on the $\frac{1}{2500}$ Ordnance map of the county of Leicester (edition 1887) Sheet No. XXXI. 12 and terminating in the service reservoir Work No. 20 by this Act authorised :

Work No. 20 A service reservoir wholly in the said parish of Evington situate on the north-eastern side of and at a distance of about one chain from the road leading from Leicester to Evington and known as Coleman Road :

Work No. 21 A service reservoir wholly in the said parish of Evington and adjoining and on the south-eastern side of Work No. 20 :

Work No. 22 A line or lines of pipes wholly in the said parish of Evington to connect the service reservoir Work No. 20 with the aqueduct or lines of pipes Work No. 13 authorised by the Act of 1899 to be constructed by the Leicester Corporation in Coleman Road :

Work No. 23 A line or lines of pipes situate wholly in the said parish of Evington to connect the reservoir Work No. 21 with the said authorised aqueduct in Coleman Road:

Work No. 24 An aqueduct or overflow consisting of one or more lines of pipes situate wholly in the said parish of Evington commencing in the said service reservoir Work No. 21 and terminating in the stream situate in the western corner of the Field No. 153 on the $\frac{1}{2500}$ Ordnance map of the county of Leicester (edition 1887) Sheet XXXI. 12.

Subsidiary works.

11. Subject to the provisions of this Act the Board and the Leicester Corporation in addition to the works which they are respectively authorised by this Act to make may upon any lands acquired by them under the powers of this Act or for the time being belonging to them respectively construct place and maintain all such cuts channels catchwaters tunnels culverts drains sluices by-washes pipes overflows washouts settling ponds filter beds tanks embankments dams weirs gauges water-towers arches walls bridges approaches tramroads railways telegraph telephone and electric lines houses buildings engines machinery and appliances as may be necessary or convenient in connection with their works or any of them or for constructing inspecting cleansing repairing and using the same or for the general purposes of their respective undertakings but nothing in this section shall exonerate the Board or the Leicester Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by either of them Provided that any telegraphs telephones and other means of electric communication constructed and maintained under the authority of this Act shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869:

Provided also that any electric lines machinery and appliances shall be so constructed worked and used as to prevent any interference with telegraphic communication by means of any telegraphic lines of the Postmaster-General.

New works to form parts of existing waterworks undertakings.

12. Subject to the provisions of this Act the waterworks and works to be constructed by the Board under the authority of this Act shall for all purposes whatsoever be deemed part of the waterworks undertaking of the Board and the waterworks and works to be constructed under the powers of this Act by the Leicester Corporation shall in like manner be deemed part of the waterworks undertaking of the Leicester Corporation.

A.D. 1904.

Power to deviate.

13. The provisions of section 48 (Limits of deviation) of the Act of 1899 shall extend and apply mutatis mutandis to and in relation to the works by this Act authorised and that section is incorporated with this Act and in the application of that section to the works by this Act authorised to be made by the Leicester Corporation the expression "the board" in that section shall mean the Leicester Corporation.

Incorporation of sections as to lands of Act of 1899.

14. The provisions of the following sections of the Act of 1899 (that is to say):—

Section 35 (Easements instead of acquisition of lands);

Section 36 (Power to grant easements &c.);

shall extend and apply mutatis mutandis to and in relation to the lands by this Act authorised to be acquired by the Board and the Leicester Corporation respectively and are incorporated with this Act and in the application of those sections to the lands which the Leicester Corporation are by this Act authorised to acquire the expression "the board" where used in those sections shall mean the Leicester Corporation and the provisions of section 43 (Application of moneys from sale &c. of land) shall apply to and in relation to the lands by this Act authorised to be acquired by the Board.

Period for compulsory purchase of lands.

15. The powers for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the passing of this Act.

Exemption from Mineral Courts Acts.

16. All lands acquired by the Board or the Leicester Corporation under the powers of this Act and the Board and the Leicester Corporation or their respective successors and assigns in respect of such lands shall be exempt from the provisions of the High Peak Mining Customs and Mineral Courts Act 1851 and of the Derbyshire Mining Customs and Mineral Courts Act 1852 respectively.

Owners may be required to sell parts only of certain lands and buildings.

17. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Board or the Leicester Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Board or the Leicester Corporation and that such portions or some other portions less than the whole can be severed from the remainder

of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

(1) The owner of and persons interested in any of the properties specified in the Schedule to this Act and whereof a portion only is required by the Board or the Leicester Corporation as the case may be for the purposes of this Act and each or any of such persons are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Board or the Leicester Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Board or the Leicester Corporation such portion only without the Board or the Leicester Corporation being obliged or compellable to purchase the whole the Board or the Leicester Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severence or otherwise :

(3) If within such twenty-one days the owner shall by notice in writing to the Board or the Leicester Corporation allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Board or the Leicester Corporation have compulsory powers of purchase) can be so severed :

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Board or the Leicester Corporation the portion which the tribunal

A.D. 1904.

shall have determined to be so severable without the Board or the Leicester Corporation being obliged or compellable to purchase the whole the Board or the Leicester Corporation paying such sum for the portion taken by them including compeusation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Board or the Leicester Corporation as the case may be may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Board or the Leicester Corporation as the case may be in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises. A.D. 1904.

For protection of Chapel-en-le-Frith Rural District Council.

18.—(1) The Board shall make and maintain in manner hereinafter provided a new road partly in the parish of Hope Woodlands and partly in the parish of Derwent in the county of Derby commencing at the southernmost end of the private road of the Board known as Lower Road which by this Act is converted into a public road at a point marked "A" upon the plan signed in duplicate with reference to this Act by the Right Honourable the Earl of Lauderdale the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords and the other in the Private Bill Office of the House of Commons and is in this section referred so as "the plan" five hundred and ninety-four yards or thereabouts south of Birchinlee farm house and terminating in an existing public highway called Derwent Lane at a point marked "B" upon the plan one hundred and eighty-five yards or thereabouts north of the Duke of Norfolk's lodge which said new road shall be constructed so far as reasonably practicable along the yellow line shown on the plan The said new road shall be twenty-one feet wide between the fences and fifteen feet of such width shall be made up and metalled to the reasonable satisfaction of the Council's surveyor.

(2) The Board shall erect reasonably substantial and sufficient fences on each side of the said new road and shall at all times after the same shall be completed notwithstanding that the said new road may be vested in and repaired by the council as herein-after mentioned repair and maintain the said fences to the reasonable satisfaction of the council's surveyor.

(3) The Board shall for a period of not less than six calendar months after the said new road shall have been certified by two justices (in manner provided by section 61 of the Act of 1899 with reference to the completion of roads therein mentioned) to have been duly completed repair and maintain the said new road to the reasonable satisfaction of the council's surveyor and at the expiration of such period the said new road shall (subject as aforesaid) be deemed to have been adopted by the council and shall be repaired and maintained by them accordingly Provided always that the council shall not be liable to repair and maintain the new bridge carrying the said road over the River Derwent which bridge shall be constructed and thereafter repaired and maintained by the Board.

A.D. 1904.

(4) Immediately upon the expiration of the said period of six months hereinbefore mentioned the Board shall take upon themselves the repair and maintenance of the road on the east side of the Derwent Valley between the points "B" and "C" coloured red on the said plan (which road is intended to be so far as it does not coincide with the road between the points "B" and "D" coloured brown on the said plan constructed as a diversion of or in substitution for the said road coloured brown) and shall at all times thereafter repair and maintain such road in exoneration of the council and of any other succeeding road authority and notwithstanding any provision to the contrary contained in the former Acts and such road shall be and the same is from the time when the Board become liable for the repair and maintenance thereof hereby freed from all public rights of way for vehicular traffic and shall be and become a private carriage road though remaining a public foot and bridle path.

For protection of urban district council of Belper.

19. For the protection of the urban district council of Belper (hereinafter referred to as "the council") the following provisions shall unless otherwise agreed between the council and the Board have effect (that is to say):—

(1) If by reason of the construction of Work No. 2 by this Act authorised any diminution is caused in the supply of water obtained by the council from their sources of supply at Springwood the Board shall afford free of charge to the council a supply of water equal to the amount by which the supply of water of the council shall have been so diminished:

(2) If any difference shall arise as to the diminution of the sources of supply of the council by reason of the works of the Board or as to the extent of any diminution such difference shall be settled by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers:

(3) The council shall give to the Board all information they possess regarding the quantities of water which the sources of supply at Springwood have yielded in any year prior to the passing of this Act and at any time previous to the construction of the works and shal also afford to the Board every reasonable assistance and facility to enable them to ascertain the yield during the construction of the works and at any time subsequent thereto.

A.D. 1904.

For protection of Heanor Urban District Council.

20. In executing the works and exercising the powers of this Act authorised so far as they affect the roads and bridges in the urban district of Heanor the following provisions for the protection of the Heanor Urban District Council (hereinafter called "the council") shall have effect unless otherwise agreed in writing between the council and the Board (that is to say) :—

(1) All conduits mains or lines of pipes to be laid in or along any road shall as far as practicable be constructed and laid in such position at the side thereof as the council shall by writing under the hand of their surveyor direct and shall not be constructed or laid in upon or across any bridge or any arch connected therewith and the gradient of the respective approaches to such bridge shall not be altered without the consent of the council :

(2) All works to be constructed or laid in along or across or in any way affecting any road or any bridge or the approaches thereto shall be executed at the expense of the Board under the superintendence and to the reasonable satisfaction of the surveyor to the council and in accordance with plans sections and specifications to be submitted to and approved by him in writing before the commencement of such work Provided that if he shall not within one month after the same shall have been submitted so express his approval or disapproval thereof and in the latter case signify his requirements in relation thereto he shall be deemed to have approved thereof :

(3) The works shall be so executed as not to stop or interfere unreasonably with the traffic on any road or bridge or any approach thereto :

(4) In any case where the conduits mains or other works authorised by this Act are laid under any street or road the same shall be so laid at such a level and in such a manner as to interfere as little as possible with the existing sewers water and gas pipes and mains in such road including the branch pipes and mains and if it shall be found necessary to interfere with any such pipes or mains the Board may alter the position of the same at their own cost under the superintendence and to the reasonable satisfaction of the council's surveyor :

(5) The Board shall pay to the council the reasonable costs incurred by them in giving any superintendence under this section :

A.D. 1904.

(6) The council shall not except in the case of their negligence be liable for any claim for damages in respect of any injury which may be caused to any conduit main or line of pipes belonging to the Board through the use by the council of a steam roller upon any road:

(7) In case the pipes or mains of the Board shall at any future time be injured by the working of the minerals thereunder or otherwise so as to allow the water therein to escape on to any road or bridge of the council or their fields numbered on the deposited plans 56 57 and 58 in the parish of Codnor and Loscoe then the Board shall forthwith repay to the council the reasonable cost of restoring such road bridge or land to the same condition as the same was in previously to such escape of water and shall indemnify the council against the claims of all persons claiming to be injured thereby:

(8) Notwithstanding anything shown on the deposited plans Work No. 7 by this Act authorised shall not be constructed on the fields numbered 56 and 58 and only on such portion of the field numbered 57 as is coloured pink on the plan signed in duplicate by the Right Honourable James William Lowther the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Private Bill Office of the House of Commons and the other in the Parliament Office of the House of Lords and nothing in this Act contained shall be construed to prevent the council from using the entirety of the surface of the said three fields for sewage irrigation purposes:

(9) If any difference arise between the Board and the council touching this section or anything to be done or not to be done thereunder such difference shall be settled by arbitration by an engineer to be agreed on by the parties in difference or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either of the parties.

For protection of Midland Railway Company.

21. The following provisions for the protection of the railway works canal and property of the Midland Railway Company (hereinafter referred to as "the Midland Company") shall unless

otherwise agreed between the Midland Company and the Board have full force and be binding upon the Board :— A.D. 1904.

(1) The aqueduct or aqueducts authorised by this Act where the same shall be carried under the railways of the Midland Company shall for their entire length across the said railways and for twenty-five feet on each side of the boundary fence of such railways be constructed in such a way and of such materials and dimensions as shall be reasonably approved by the principal engineer of the Midland Company :

(2) The said aqueduct or aqueducts shall for the entire length of such crossings under the railways of the Midland Company be laid in and carried by means of one or more walled passages or culverts to be constructed and maintained by the Board of such height and width as shall admit of such aqueduct or aqueducts being examined and repaired without disturbing the said railways or any of the works thereof :

(3) The aqueduct (Work No. 2) and the aqueduct (Work No. 6) where the same respectively cross over the Midland Company's Cromford Canal in the parish of Crich shall be constructed in such a position as to leave a headway of ten feet over both the canal and towing-path without piers or supports in the canal or on the towing-path thereof :

(4) The aqueduct (Work No. 7) where the same will pass over the Midland Railway in the parish of Ripley shall be carried over the said railway by means of a girder bridge of wrought iron or steel having a clear span of twenty-eight feet with a clear headway of fourteen feet six inches above the rail level of the said railway and being of such dimensions as will admit of the aqueduct being laid therein and of access to the aqueduct for the purpose of repairing and renewing the same :

(5) The aqueduct (Work No. 9) where the same will pass over the Midland Railway in the parish of Heanor shall be carried over the said railway by means of a girder bridge of wrought iron or steel having three openings over the said railway of which the centre opening shall be of a clear span throughout of not less than fifty-four feet with a clear headway of fourteen feet six inches

A.D. 1904.

above the rail level of the said railway and the other openings shall each be of a clear span throughout of not less than twenty-eight feet and the said bridge shall be constructed generally of such dimensions as will admit of the aqueduct being laid therein and of access to the aqueduct for the purpose of repairing and renewing the same :

(6) All works in any way affecting the railway and works of the Midland Company shall be constructed according to plans and sections to be previously submitted to and reasonably approved by the principal engineer of the Midland Company and all such works and all maintenance repairs and renewals thereof shall be done and executed by the Board to the reasonable satisfaction in all respects and under the superintendence of such engineer and at such times as he shall reasonably appoint and in all things at the expense of the Board and whenever any such works maintenance repairs or renewals are constructed or carried out they shall be so constructed executed and maintained that the said railways and canal or any of the works thereof respectively shall not be injured nor the traffic upon the said railways and canal be in any way impeded :

(7) If by reason of any works or proceedings of the Board or of their contractors or of their workmen or of the leakage of any works or pipes of the Board the said railways and canal or any of the works or lands thereof shall be injured or damaged such injury or damage shall be forthwith made good by the Board at their expense and to the reasonable satisfaction of such engineer and in the event of their failing so to do or in case of emergency the Midland Company may make good the same and recover the reasonable expense thereof from the Board and if any interruption should be caused to the traffic of the said railways or canal by reason of any works of the Board or of any such leakage as aforesaid the Board shall make good and repay to the Midland Company any loss damage or expense which they may sustain or be put to by reason of the construction or failure of any of the said pipes or works or in respect of the interruption to the traffic of the said railways and canal :

(8) No part of the discharge pipe in connection with Work No. 3 across the field numbered on the deposited plans 19 in the parish of Breaston shall without the consent in writing of the Midland Company be constructed within thirty-three feet of the boundary of the Midland Railway except such part as lies within five yards of the fence dividing the said field numbered 19 from the field numbered as aforesaid 23 in the same parish :

(9) So far as the limits of deviation shown on the deposited plans shall permit the aqueduct Work No. 1 if constructed or laid through the properties numbered on the deposited plans 1 in the parish of Hathersage and 44 47 48 and 49 in the parish of Outseats shall not be constructed on land within thirty feet of the boundary fence of the Midland Railway :

(10) The Board shall not without the consent in writing of the Midland Company under their common seal purchase take enter upon or use temporarily or permanently any lands property or works of the Midland Company or any estate right easement privilege or authority in over or upon the same respectively or alter or vary the said railways or canal or any of the respective works thereof except that the Board may purchase and the Midland Company shall sell and grant to the Board such easement as may be necessary for carrying the said aqueducts under or over the said railways and canal according to the provisions hereinbefore prescribed and for inspecting repairing maintaining and renewing the same and the works thereof at such crossings The amount to be paid for the acquisition of such easement shall be ascertained in case of difference in the manner provided by the Lands Clauses Consolidation Act 1845 with respect to the purchase of lands otherwise than by agreement :

(11) The Board and the Midland Company may from time to time by agreement vary or alter the provisions of this section :

(12) Any dispute or difference that may arise between the Midland Company and the Board with reference to the provisions of this section or in any way arising thereout or as to any works to be carried out in pursuance

A.D. 1904.

thereof shall be settled by arbitration by an engineer or other fit person to be nominated by the Board of Trade on the application of the Board or the Midland Company and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Great Northern Railway Company.

22. The following provisions for the protection of the Great Northern Railway Company (hereinafter in this section called "the company") shall unless with the previous consent of the company in writing under their common seal apply and have effect:—

(1) The expression "property of the company" where used in this section shall include any land railway siding or work belonging to the company:

(2) With respect to any property of the company which the Board are by this Act authorised to enter upon use or interfere with for the purposes of Work No. 3 by this Act authorised the Board may purchase and take and the company may and shall sell and grant according to their estate and interest in the said property an easement or right of constructing and maintaining thereon Work No. 3 as and so far as the same is according to this Act to be constructed on the property of the company But save as aforesaid the Board shall not without the previous consent of the company in writing under their common seal enter upon take use or interfere with any property of the company:

(3) The consideration to be paid for any easement or right to be acquired by the Board under the preceding subsection shall in case of dispute be determined in manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement and shall include full compensation in respect of minerals under the property of the company which they may have purchased or for which they may have paid compensation and for all damage loss or inconvenience which the company may suffer or sustain by or by reason of the exercise by the Board of the powers of this Act or of any Act incorporated therewith:

(4) Notwithstanding anything contained in this Act the Board shall not in the construction of Work No. 3 by this Act authorised so far as it affects the property of the

company deviate downwards more than ten feet from the levels shown on the deposited sections :

(5) If any difference shall arise between the Board and the company under this section (except subsection (3)) the same shall be determined by an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers on the application of either party after notice to the other.

For protection of Trent Navigation Company.

23. For the protection of the Trent Navigation Company (in this section called "the navigation company") the following provisions shall unless otherwise agreed between the Leicester Corporation and the Navigation Company have effect (that is to say) :—

(1) Notwithstanding anything contained in section 150 (For protection of Trent Navigation Company) of the Act of 1899 the Leicester Corporation shall carry and thereafter maintain the aqueduct by that Act authorised to be constructed by them across the River Trent and the hauling-path thereof by means of a bridge having one opening of two hundred and twenty feet span and the piers of such bridge shall be in the position shown upon the plan marked "A" and signed by Frank Rayner as acting for the navigation company and John Breedon Everard as acting for the Leicester Corporation and that corporation shall also construct and maintain a hauling-path in open pile work or upon open brackets through the southern side of the opening at the same surface level as the existing hauling-path :

(2) The provisions of this section shall be in lieu of subsection (1) of the said section 150 of the Act of 1899.

For protection of Duke of Devonshire.

24. Whereas certain lands forming part of the estates and property of the Most Noble Spencer Compton Duke of Devonshire in the parish of Hope Woodlands in the county of Derby are required by the Board for the protection of their water supply and works Therefore—

(1) The Board shall and they are hereby empowered to purchase and the duke his heirs and assigns (hereinafter referred to as "the owners") shall sell to the Board free from incumbrances the whole of the lands in the parish of Hope Woodlands in the county of Derby containing two hundred and ninety-two acres or

A.D. 1904.

thereabouts shown and coloured purple on the plan signed by Gilson Martin on behalf of the owners and by Edward Sandeman on behalf of the Board including the buildings and all timber on the said lands:

(2) The price to be paid by the Board to the owners for the said lands and the timber thereon and for the buildings at Banktop and Ridge farms shall be the sum of fourteen thousand pounds and the Board shall in addition to that sum pay to the owners the value of the buildings of the West End Farm such value to be fixed by arbitration under the Arbitration Act 1889 in case the same cannot be settled by agreement:

(3) The said sale and purchase shall be completed and the purchase-money paid to the owners on the twenty-fifth day of March one thousand nine hundred and ten and in the meantime the said lands and property shall remain in the possession of the owners:

(4) The provisions of paragraphs (B) (C) and (F) of subsection (2) of section 72 of the Act of 1899 and subsections (4) (6) and (10) of that section shall apply mutatis mutandis to the said sale and purchase:

(5) The Board shall after the sale and purchase is completed maintain in as good order and condition as at present the fences enclosing the said lands so far as necessary to fence the same from any adjoining property of the owners provided that in lieu of the present stone fences they may substitute and maintain fences of the description mentioned in subsection (12) of section 24 of the Act of 1901 Provided also that if the Board at any time place wires along any such stone fences they shall unless such wires shall have been placed at the request of the duke fix a wooden top rail above the said wires of the dimensions mentioned in the last-mentioned subsection.

For protection of owner of Draycott House.

25. For the protection of the trustees of the will of Hugh Scott deceased or other the owner or owners for the time being of the Draycott House Estate (hereinafter called "the owner") the following provisions shall unless otherwise agreed between the Board and the owner have effect (that is to say):—

(1) The owner shall if required by the Board grant to the Board an easement or right of constructing placing

laying inspecting maintaining cleansing repairing conducting and managing the Aqueduct No. 3 by this Act authorised where the same passes through the property of the owner and the compensation to be paid by the Board for such easement shall be such a sum as failing agreement may be determined by arbitration under the provisions of the Lands Clauses Consolidation Act 1845:

(2) The Board immediately upon commencing to supply water to the constituent authorities of the Board from the first instalment of the Board's works shall supply to the owner such quantity of water as the owner may require up to but not more than one thousand five hundred gallons in any one day at such price as may be agreed upon but not exceeding one shilling per thousand gallons:

(3) The Board shall not be required to give such supply unless or until the owner shall at his own expense have constructed a tank or reservoir and shall at such point and in such manner as the Board may direct have connected the same with the said aqueduct and the owner shall construct and maintain such works to the reasonable satisfaction of the engineer of the Board and the Board shall not be under any obligation to continue the supply of water unless such works are so constructed and maintained.

For protection of Locko Hall Estate.

26. The following provisions shall unless otherwise agreed in writing have effect for the protection of William Drury Nathaniel Drury Lowe his heirs and successors in estate and assigns for the time being entitled in possession whether for life or any greater estate to the estate of the said William Drury Nathaniel Drury Lowe in the county of Derby known as Locko Hall Estate all which persons are in this section included in the expression "the owner":—

(1) Except as in this section specially provided the Board shall not under the powers of this Act be entitled to purchase and take otherwise than by agreement any part of the estate of the owner or any mines or minerals in or under the same or any easement or right in under or over the estate for the construction of the works by this Act authorised and the powers of this Act as to the purchase and acquisition of lands and easements shall

A.D. 1904.

as to the estate of the owner be limited by the special provisions hereof:

(2) The Board may purchase and the owner shall if required by the Board sell to the Board an easement only for carrying the aqueduct Work No. 3 (in this section referred to as "the aqueduct") as authorised through the land of the owner and the price to be paid for such easement and the compensation for all lands of the owner taken and used for tramroads or other temporary purposes shall if not agreed be ascertained under the Lands Clauses Acts The owner shall not be required to grant any such easement after three years from the passing of this Act:

(3) The easement acquired by the Board under the provisions of this section shall for the purposes of the provisions of the Waterworks Clauses Act 1847 with respect to mines be deemed to be lands purchased by them and for the purposes of the provisions of the Lands Clauses Consolidation Act 1845 as to the sale of superfluous land shall be deemed to be lands acquired by the Board:

(4) The easement shall be limited to a width of twenty-one feet and the highest part of the aqueduct and works in connection therewith except as hereinafter mentioned shall in no case be less than three feet below the surface of the ground and the pipes constituting the aqueduct shall not exceed thirty-six inches in internal diameter:

(5) The time of year for executing any of the works by this Act authorised through the estate of the owner shall be such as the owner shall reasonably direct:

(6) The plan signed in triplicate by the Right Honourable the Earl of Lauderdale the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords and another in the Private Bill Office of the House of Commons is in this section referred to as "the signed plan":

(7) No manholes buildings or erections other than three valve houses shall be made above the surface of the ground and no embankments or spoil banks shall be made on the owner's estate other than the embankments shown on the deposited plans:

A.D. 1904.

(8) Any telegraph or telephone wires or other means of communication laid by the Board through the estate shall be placed underground and within the limit of the easement :

(9) In the construction and maintenance of their works the Board shall first carefully remove from the surface all turf and surface soil on the line or site of the works and on the completion of the works or of any repair or other maintenance they shall replace the turf and restore the surface as nearly as may be to its former level and state All surplus material arising from construction or maintenance of the works shall be disposed of as the owner may from time to time direct on the estate or taken away :

(10) All fences gates watercourses roads conveniences and other matters and things belonging to the owner which may be interfered with by the Board during construction maintenance or repair of the works by this Act authorised shall forthwith after such interference be made good by the Board :

(11) Where the line of the easement intersects any fences on the estate of the owner the Board shall on completion of the works on the estate restore such fences and where any quick-set fence shall have been so intersected the Board shall plant the portion of such fence which shall have been destroyed with a double row of three-year-old quick-sets protected by adequate fences and shall maintain the same to the reasonable satisfaction of the owner for a period of six years :

(12) The Board shall erect and maintain gates as part of the fences crossing the line of the aqueduct of such size and pattern and in such position in the fence as may be reasonably approved by the owner which gates shall be kept locked and a key thereof delivered to the owner :

(13) The line of the aqueduct and limits of deviation shown on the deposited plans shall be altered and reduced so as to exclude Locko Rookery (numbered on the deposited plans 16 in the parish of Stanley 11 in the parish of Spondon and 1 in the parish of Dale Abbey) Piggin Wood (numbered on the deposited plans 19 in the parish of Ockbrook) and the line of the aqueduct shall be laid out so as to avoid as far as possible the roots

A.D. 1904.

of the ornamental trees in the closes numbered on the deposited plans 15 and 17 in the parish of Stanley and 2 in the parish of Dale Abbey No trees timber or underwood on the estate shall be cut or interfered with except within the line of the aqueduct:

(14) The aqueduct between the points marked A and B on the signed plan shall be constructed of steel and an automatic valve or valves shall be provided at one or more places where required to prevent flooding in case of the bursting of a pipe:

(15) The Board shall not construct upon the estate of the owner more than three washouts or discharge pipes and such discharge pipes shall be of an internal diameter not greater than six inches and proper basins shall be constructed at the termination of such pipes:

(16) The Board shall reconstruct the culvert from the end of the discharge pipe near Lodge Farm to the boundary of Locko Park in a substantial manner and of a size sufficient to take the discharge water without causing damage below the outfall thereof:

(17) During the construction of the aqueduct the Board shall take all proper precautions for preventing silt finding its way into the fish-ponds above Locko Hall:

(18) If the herbage of the park is damaged by the user of the discharge pipes near Lodge Farm the Board shall construct a sufficient culvert through the park to the new culvert shown on the signed plan to the satisfaction of the owner:

(19) Contemporaneously with the construction of the aqueduct through the estate of the owner the Board shall at their own cost construct the works shown on the signed plan to the satisfaction of the owner in accordance with drawings and specifications to be approved by the owner or his engineer for the time being:

(20) If by reason of the user of the discharge pipes any portion of the estate is flooded or any other injury is caused the Board shall compensate the owner and his tenants for any injury or loss occasioned thereby:

(21) The Board shall construct and maintain and keep the aqueduct and discharge pipes constructed and maintained by them under the authority of this Act in or

upon the estate so far as practicable watertight and shall compensate and indemnify the owner his lessees and tenants for and against any loss or damage caused by the leakage or bursting of the aqueduct or discharge pipes by this Act authorised :

(22) The Board shall make good the drainage and sewerage of the estate where interfered with by the aqueduct or other works of the Board or at the option of the owner shall permit him to employ his own workmen for that purpose the Board paying all reasonable costs thereof The Board shall also from time to time at the request of the owner provide for the present or future drainage or sewerage of the estate of the owner suitable pipes and culverts across the aqueduct :

(23) Every road within the estate which is repairable by the owner and which is in any way disturbed by the Board shall so far as the same is disturbed by the Board be kept in repair by the Board from the commencement of the works till the expiration of twelve months after the completion of the same and in case at any time any such road shall be again broken up for the repair of the aqueduct then till the expiration of six months after each such case of repair During the construction and repair of the works the Board shall make and maintain sufficient and convenient temporary roadways and paths to take the place of any roads or paths stopped up or affected by the works :

(24) In any cases in which access to farms buildings or lands shall be interrupted by any of the works of the Board the Board shall provide a reasonably convenient substituted access to the satisfaction of the owner :

(25) The Board shall in constructing the aqueduct through any lands of the owner fence in all excavations from time to time made so as to prevent injury to sheep and other animals and shall prevent sheep or other animals straying out of one field into another and the Board shall when the works are completed remove such fences and restore the level surface of the ground excavated The Board shall not in any fence use any barbed wire :

(26) The works between the points marked A and C on the signed plan shall be completed and the surface restored and made good within six months from the

A.D. 1904.

commencement thereof except that a temporary tramway may remain for six months longer between the said points and the whole of the aqueduct and works on the owner's estate shall be completed and the surface restored and made good within eighteen months from the commencement thereof :

(27) The valve houses to be erected on the estate of the owner shall be erected according to plans and of a material and design to be approved by the owner and in positions to be agreed between the owner and the Board :

(28) The Board shall during the construction and repair of the works prevent any trespass on the property of the owner and shall if required by him from time to time during such construction and repair pay to him the cost of the employment by him of not more than two additional keepers or watchers for the protection of the game and for the prevention of persons trespassing upon the lands of the owner near the works of the Board :

(29) The right of the owner and his tenants of passing over and using the land over or under the aqueduct for all purposes including the planting of trees and shrubs (except such as would injure the aqueduct) shall not be interfered with It shall be lawful for the owner and his tenants to lay out construct and use along over or under the aqueduct any road drains or pipes provided that such construction and use shall not interfere with or injure the aqueduct or any works by this Act authorised :

(30) The Board shall not take or appropriate or interfere with any watercourses springs streams or waters on the estate but in such cases as a diversion shall be necessary the Board shall carry out the works and restore the same so as to flow on the estate as nearly as may be in the same course and at the same level as at present and especially shall make good any diminution that may be caused by the works to the flow of water into Locko fish-ponds :

(31) The Board shall in all cases where the supply of water to any property of the owner or his tenants is severed or injured give a proper and sufficient supply free of charge not less than the supply existing before such

severance or injury all the works necessary thereto being provided by the Board:

(32) At any time after the Board shall have commenced to convey water through the aqueduct where laid through the lands of the owner they shall on demand supply the owner with such daily quantity or quantities of water as he may from time to time demand for his own use or for that of the tenants on his estate but not exceeding in any one day twenty-five thousand gallons at a price calculated upon the cost of the water to the Board at the point of delivery together with an addition of ten pounds per centum upon the amount payable by the owner but not exceeding the price of ninepence per one thousand gallons and such water shall be supplied at such point or points not exceeding six in number on the line of the aqueduct as the owner shall require The connections required for the purpose of affording such supplies shall be made if demanded by the owner at the time of the construction of the aqueduct:

(33) For the protection of Locko Hall from fire the Board shall provide water free of cost and shall fix on the six-inch discharge pipe a six-inch branch at the point shown on the signed plan to which the owner may connect his own fire main and hydrants and the Board shall at such times as the mains are charged with water maintain the full pressure of water in the said branch pipe but no water shall be used for purposes of fire practice more often than four times in any year and the owner shall give not less than seven days' notice to the Board of any such practice The said hydrants shall be kept sealed by the Board such seal to be broken at any time in case of fire or of fire practice after notice The Board shall at all times have power to inspect the said fire main and hydrants:

(34) The Board shall in addition to any other compensation payable by them under or by virtue of this Act in respect of the estate make full compensation to the owner and his tenants for all damage and loss occasioned to them or any of them respectively by any act of the Board their officers or contractors or any workmen employed by them or any of them whether during

A.D. 1904.

construction or maintenance and shall at all times keep the owner indemnified against all and every claim for damage or loss occasioned to or sustained by the owner or his tenants by or by reason of the construction or maintenance of the aqueduct or other works:

(35) The provisions as to the construction and maintenance of the aqueduct contained in this section shall apply to any future line of pipes laid down by the Board as part of the aqueduct authorised by this Act:

(36) Any difference or dispute between the owner and the Board relating to any matter arising under this Act and which is not in accordance therewith to be determined by arbitration in manner provided by the Lands Clauses Acts shall be determined by arbitration under the Arbitration Act 1889.

For protection of Loughborough Corporation.

27. For the protection of the mayor aldermen and burgesses of the borough of Loughborough (hereinafter called "the Loughborough Corporation") the following provisions shall unless otherwise agreed between the Leicester Corporation and the Loughborough Corporation have effect (that is to say):—

(1) The Leicester Corporation shall construct the portion of the aqueduct by this Part of this Act authorised where it crosses the water mains of the Loughborough Corporation in the Forest Road in the parish of Nanpantan at such depth beneath such water mains as to avoid interference therewith and shall also to the satisfaction of the Loughborough Corporation execute all such works as may reasonably be required by them for supporting such water mains both during and after the construction of the said aqueduct and preventing injury thereto by reason of the subsidence of the soil or otherwise:

(2) All works under or within a distance of five yards from the said water mains shall be constructed to the reasonable satisfaction of the borough surveyor of the Loughborough Corporation and in accordance with plans and sections to be previously submitted to and approved by him Provided that if for fourteen days after the submission of such plans and sections the said borough surveyor fail to approve or disapprove the same the Loughborough Corporation shall be deemed to have approved thereof and that if within fourteen

days he shall disapprove thereof then such works as aforesaid shall be constructed in accordance with such altered plans and sections as may be agreed upon or failing agreement as may be approved by an arbitrator to be appointed on the application of either party by the Board of Trade:

(3) The expense of any repairs to or renewals of the said water mains necessitated by the construction of the said aqueduct or any act or default of the Leicester Corporation their contractors agents servants or workmen or of any person in the employ of them or any of them or by any subsidence resulting from the works of the Leicester Corporation shall be borne and paid by the Leicester Corporation and if any interruption in the supply of water through such water mains shall be in any way occasioned either by reason of the exercise of the powers by this Part of this Act conferred upon the Leicester Corporation or any act or default of the Leicester Corporation their contractors agents servants or workmen or of any person in the employ of them or any of them the Leicester Corporation shall forfeit and pay to the Loughborough Corporation therefor a sum not exceeding fifty pounds for every day during which such interruption shall continue and shall also make good to the Loughborough Corporation all loss or damage which that corporation may sustain in regard to or by reason of such interruption.

For protection of owner of Beaumanor Estate.

28. For the protection of Sophia Perry Herrick of Beaumanor Park in the county of Leicester or other the owner or owners for the time being of the Beaumanor Estate (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed between the owner and the Leicester Corporation (in this section called "the corporation") have effect (that is to say):—

(1) Notwithstanding anything contained in this Act or shown on the deposited plans the corporation shall not take or appropriate any watercourses springs streams or waters on the estate of the owner but in any case where it may be necessary for constructing the works by this Act authorised to divert temporarily any waters the corporation shall on the completion of such works restore the diverted waters so that the flow on the estate

A.D. 1904.

may be as nearly as possible in the same course and at the same level as at present and in particular if any works by means of which a supply of water is afforded to the mansion house of Beaumanor as now used by the owner shall be injuriously affected or the supply of water diminished the corporation shall forthwith renew and make good such works The corporation shall also make good the drainage and sewerage of the estate when and where interfered with by the aqueduct or works:

(2) The corporation shall keep open as far as possible all roads and paths on the property of the owner which may be intersected by the works by this Act authorised and shall as regards all roads and paths intersected which it shall be found impossible so to keep open provide and maintain in lieu thereof temporary bridges or other means of communication of such description and in such places as the owner shall reasonably direct:

(3) No manhole shall protrude above the surface of the land:

(4) The corporation shall make separate compensation to the owner for all lands of the owner taken or used for tramroads spoil banks tipping or other temporary purposes and such compensation if not agreed upon shall be ascertained under the Lands Clauses Acts:

(5) The corporation shall not without the consent of the owner construct the aqueduct through any part of the estate so that the top of the aqueduct shall be less than three feet six inches under the present surface of the ground or where the aqueduct passes underneath a ditch or streams shall be above the present bottom of such ditch or streams:

(6) The corporation shall whenever necessary during the construction or repair of the aqueduct fence in all excavations from time to time made on the property of the owner so as to prevent cattle sheep and other animals from falling into such excavations and the corporation shall when the works are completed remove such fences and shall restore the level surface of the ground excavated:

(7) The corporation shall not in any permanent fence use any barbed wire:

(8) Any telegraph or telephone wires or other means of communication laid by the corporation through the estate

shall be placed underground by the side of and as near as practicable to the aqueduct:

(9) The corporation shall not be entitled to purchase or take otherwise than by agreement any part of the estate of the owner or any mines or minerals under the same or any right or easement in under or over the estate or any part thereof other than a right or easement of constructing and maintaining the aqueduct:

(10) Any difference which may from time to time arise between the owner and the corporation with respect to any question under this section shall be settled unless otherwise provided in the manner provided by the Arbitration Act 1889.

For protection of owner of Breadsall Priory.

29. The Board shall on being required by Sir Alfred Seale Haslam or other the owner or owners for the time being of Breadsall Priory (in this section referred to as "the owner") furnish to the owner a supply of water for domestic and agricultural purposes not exceeding five thousand gallons per day and for the purposes of fire extinction such quantity as may be necessary and which respective supplies shall be furnished at a price calculated upon the cost of the water to the Board at the point of delivery together with an addition of ten pounds per centum upon the amount payable by the owner but not exceeding the price of ninepence per one thousand gallons and such water shall be supplied at such point on the line of the aqueduct as the owner shall reasonably require The connections required for the purpose of affording such supplies shall be made if demanded by the owner at the time of the construction of the aqueduct.

For protection of Canon Carr.

30. For the protection of Canon Carr of Holbrook Hall his heirs and successors in estate and assigns or other the owner or owners for the time being of the Holbrook Estate in the county of Derby (all of whom are included in the expression "the owner" when used in this section) the following provisions shall apply and have effect unless otherwise agreed between the owner and the Board:—

(1) Notwithstanding anything shown upon the deposited plans or contained in this Act the Board shall lay down and maintain the aqueduct described and authorised by this Act so far as the same may pass through the estate of the owner within the lines marked "limits of deviation" upon a plan signed in duplicate by the Right Honourable James William Lowther the Chairman of the Committee

A.D. 1904.

of the House of Commons to whom the Bill for this Act was referred one copy of which is deposited in the Parliament Office of the House of Lords and the other in the Private Bill Office of the House of Commons:

(2) The Board may purchase and the owner shall sell to the Board an easement only for executing the works authorised by this Act upon or for carrying the aqueduct by this Act authorised through the land of the owner The easement for the aqueduct shall not exceed thirty feet in width and for the washout pipe at "the Dumble" five feet in width and the price to be paid for such easement and the compensation to the owner for all lands of his taken used or injuriously affected for tramroads or other temporary purposes shall if not agreed be ascertained by the mode prescribed in the Lands Clauses Acts Provided that the owner shall not be required to sell any such easement after three years from the passing of this Act:

(3) In laying the aqueduct through the estate of the owner the Board may construct separately each of the three lines of pipes of which such aqueduct consists and the following provisions shall apply to each of such lines of pipes whether for original construction or for the purpose of any authorised alteration or repair:—

(A) The works through the estate of the owner whether temporary or permanent shall be completed and all surface restored and made good within six months after the commencement of such works to the satisfaction of the owner except that any tramroad which shall be laid by the Board may subject to the restoration of the surface immediately thereafter remain for not longer than an additional three months if required by the Board;

No line of tram rails shall be laid on the estate of the owner except tramroads laid temporarily along the line of easement to be granted by the owner to the Board and tramroads for the conveyance of spoil to be deposited in the field belonging or reputed to belong to the owner and numbered on the deposited plans 30 in the parish of Holbrook;

(B) The Board shall not without the consent of the owner construct the aqueduct through any part of

the estate of the owner so that the top of the pipe barrels shall be less than two feet under the present surface of the ground except in fields numbered on the deposited plans 24 and 30 in the parish of Holbrook and in those fields the top of the pipe barrels and covering thereof shall not exceed together the height shown on the deposited plans and sections and the soil covering the pipe barrels shall be sloped off by the deposit of suitably productive soil to a gradient of one in twenty but the Board may at their option make the gradient one in ten in which case a proper approach road nine feet in width on a gradient of one in twenty shall be made by them from the farm gate of Day Park Farm to the western side of the aqueduct such road to be made of best selected material from the adjacent trench ;

No other works of the Board shall be above the surface of the ground save and except that the Board may erect one stone valve-house according to a design to be reasonably approved by the owner not exceeding twelve feet in height above the surface of the ground but such valve-house shall not be erected in any of the fields numbered on the deposited plans 19 20 22 and 24 in the said parish of Holbrook ;

The covers to the air-valve branches shall be so laid as to be as nearly as possible on a level with the adjacent surface of the ground ;

(c) The Board shall not except in case of emergency discharge water into any stream from any washout except at such times as the owner may reasonably approve and the Board shall compensate the owner and his tenants for any injury caused thereby ;

(d) No land of the owner of a greater width than fifteen yards on each side of the centre line of the aqueduct shall be used or interfered with in any way by the Board during the construction of their works except in fields Nos. 24 and 30 on the deposited plans in the said parish of Holbrook and in those fields only where necessary for sloping the soil covering the top of the aqueduct to the grade hereinbefore mentioned or for constructing the roadway aforesaid ;

A.D. 1904.

(E) In the execution of the works the Board shall so far as reasonably practicable avoid all damage to the owner's trees or their roots ;

(F) Wherever access to any part of the estate of the owner shall temporarily be interfered with by any works of the Board proper and convenient access to the satisfaction of the owner shall be substituted by the Board ;

(G) The Board shall construct maintain and keep all the works constructed and maintained by them under the authority of this Act in upon or near the estate of the owner watertight and shall compensate and indemnify the owner his lessees and tenants for and against any loss or damage caused to him or them or his or their stock crops or property by the leakage or bursting of the aqueduct or works by this Act authorised or otherwise by reason of the said aqueduct or works or the construction thereof ;

(H) The Board shall make good the drainage and sewerage of the estate of the owner if interfered with by the aqueduct or other works and the Board shall from time to time at the request of the owner provide for the present or future drainage or sewerage of the estate suitable culverts or drains across the aqueduct ;

(I) In all cases where the supply of water to any part of the property of the owner or his tenants or to persons deriving a supply from any part of the Holbrook Estate is severed or injuriously affected by reason of the works of the Board a proper and sufficient supply for domestic and agricultural purposes not less than the supply previously existing both as regards quantity and convenience of supply shall be forthwith provided and maintained free of charge by the Board and so far as possible before such severance or injury shall take place and all the works necessary thereto shall be provided by the Board ;

(J) In the construction and maintenance of the aqueduct and other works on the estate of the owner the Board shall first carefully remove from the surface all turf and vegetable soil on the line or

site of the aqueduct and other works by this Act authorised and on the completion of such works or of any repairs or other maintenance they shall with all possible despatch replace such soil and turf to the approval of the owner or his agent all unturfed soil to be sown with clean grass seed at the proper season of the year All surplus material arising from the construction or maintenance of the works which cannot be disposed of as provided in subsection (B) hereof shall unless the owner shall permit the same to be otherwise disposed of on his estate be removed therefrom by the Board ;

(K) Any telegraph or telephone wires or other means of communication laid by the Board through the estate of the owner shall be placed underground by the side of the aqueduct ;

(L) The Board shall take all reasonable and proper precautions during the construction of the works to prevent any trespass on the property of the owner ;

(M) All fences gates roads conveniences and other matters and things belonging to the owner which may be interfered with by the Board during the construction or maintenance of the aqueduct or works by this Act authorised shall subject to the provisions of this section forthwith after such interference be made good by the Board ;

(N) The Board shall in constructing the aqueduct through any lands of the owner fence in all excavations from time to time made on the lands of the owner and when the works are completed shall remove such fences and such removal shall take place immediately after each line of pipes shall be completely laid through the property of the owner ;

(O) The Board shall not use any barbed wire ;

(P) The Board shall erect and maintain a gate wherever a tramroad shall intersect a fence unless the owner shall otherwise agree and the Board shall keep such gate closed except when opened for the purpose of using the tramroad ;

(Q) The Board shall in addition to any other compensation payable by them under or by virtue

A.D. 1904.

of this Act in respect of the estate of the owner make full compensation to the owner and his tenants for all damage and loss occasioned to them or any of them respectively by any acts of the Board their officers or contractors or any workmen employed by them or any of them whether during construction or maintenance and shall at all times keep the owner indemnified against all and every claim for damage or loss occasioned to or sustained by the owner or his tenants or by reason of the construction or maintenance of the aqueduct or other works ;

(r) At any time after the Board shall have commenced to supply water from the aqueduct where laid through the lands of the owner they shall on demand supply the owner with such daily quantity or quantities of water not exceeding in any one day ten thousand gallons as he may from time to time demand for his own use and that of the tenants on his estate for domestic and agricultural purposes The water supplied shall be taken at such points not exceeding two in number on the line of the aqueduct as the owner shall require and for each thousand gallons of water supplied to the owner as aforesaid a price equal to the total cost of the water to the Board with the addition of ten per centum (but not exceeding one shilling per thousand gallons) shall be paid by the owner such price to be ascertained and fixed within one year after the Board shall have commenced to supply water from the aqueduct passing through the lands of the owner ;

(s) Any difference which may from time to time arise between the owner and the Board with respect to any question under this section shall be settled unless otherwise provided in the manner provided by the Arbitration Act 1889.

Power to Board to purchase additional lands by agreement.

31. The Board in addition to any lands which they are authorised to acquire under the Act of 1899 and the Act of 1901 may from time to time by agreement purchase and hold for the purposes of their water undertaking any lands not exceeding in the whole one hundred acres but the Board shall not create or permit the creation or continuance of any nuisance on any

such lands or use such lands for any building except offices and dwellings for persons in their employ and such buildings as may be incident to or connected with the construction maintenance or use of their waterworks.

Power to Leicester Corporation to purchase additional lands by agreement.

32. The Leicester Corporation in addition to any lands which they are authorised to acquire under the Act of 1899 may from time to time by agreement purchase and hold for the purposes of their water undertaking any lands not exceeding in the whole twenty-five acres but the Leicester Corporation shall not create or permit the creation or continuance of any nuisance on any such lands or use such lands for any building except offices and dwellings for persons in their employ and such buildings as may be incident to or connected with the construction maintenance or use of their waterworks.

Consideration for such acquisition.

33. The consideration for any such acquisition may be either money or land or a mixed consideration of money and land and on any exchange the Board and the Leicester Corporation may give or take any money for equality of exchange.

Power to retain sell &c. lands.

34. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 the Board and the Leicester Corporation may retain hold and use for such time as they may respectively think fit and may from time to time sell lease exchange or otherwise dispose of in such manner for such consideration and on such terms and conditions as they think fit and in case of sale either in consideration of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them respectively under this Act and may sell exchange or dispose of any rents reserved on the sale exchange lease or disposition of such lands or any reversionary interest therein and may respectively make execute and do any deed act or thing proper for effectuating any such sale lease exchange or other disposition and such land shall in the hands of the purchaser or other person taking the same be by virtue of this Act absolutely freed from any charge of principal moneys created under this Act or the Acts of 1899 and 1901 and such purchaser or other person shall not be concerned to see to the application of the purchase-money or be answerable for the loss or misapplication thereof.

A.D. 1904.

Part IV.

Finance.

Power to Board to apply capital money to purposes of Act.

35. The Board may apply to purposes of this Act to which capital is properly applicable by them any moneys they are authorised to raise under the powers of the Act of 1899 or the Act of 1901.

Power to Leicester Corporation to apply corporate funds.

36. The Leicester Corporation may apply to the purposes of this Act to which capital is properly applicable by them any money which they are by the Act of 1899 authorised to raise.

Amendment of financial provisions of Act of 1899.

37.—(1) Notwithstanding anything contained in section 99 (Mode of payment off of money borrowed) or in section 101 (Periods for repayment of moneys borrowed) of the Act of 1899 the Board shall have and shall be deemed to have had at any time after the passing of the Act of 1899 power to agree to pay and to pay previously to the expiration of the period of ten years from the thirty-first day of December one thousand eight hundred and ninety-nine any instalments of principal or principal and interest combined in respect of moneys borrowed by them under that Act or the Act of 1901.

(2) The Board may borrow any moneys required for the payment of any such instalments and shall have and may exercise similar powers in respect of the borrowing reborrowing and repayment of any moneys required for the payment of such instalments to those which they have under the Act of 1899 and this Act in respect of moneys borrowed under that Act for payment of interest.

(3) The powers of the Board for borrowing the money required for the payment of interest under the Act of 1899 are hereby extended and may be exercised by the Board after the expiration of the period of ten years from the passing of the Act of 1899 and until the expiration of the period of ten years from the thirty-first day of December one thousand eight hundred and ninety-nine.

Accounts to be audited before submission to constituent authorities.

38. Notwithstanding anything contained in section 23 (Accounts yearly balance sheets &c.) of the Act of 1899 the Board shall not be required to submit the yearly balance sheets to the constituent authorities until the same shall have been audited provided that such balance sheets shall be audited and submitted to the constituent authorities on or before the thirty-first day of March in the year succeeding that to which the accounts relate.

Part V.

Powers to Four Corporations to Borrow.

Powers to four corporations to borrow for payment of precepts issued previously to thirty-first December one thousand nine hundred and nine.

39. If previously to the thirty-first day of December one thousand nine hundred and nine the Board issue any precept to either of the four corporations for the payment by such corporation of any moneys required by the Board for paying any instalment of principal or of principal and interest combined in respect of moneys borrowed by the Board such corporation may whenever and so often as occasion may arise borrow at interest on the security or securities upon which moneys borrowed by them for waterworks purposes are charged the amount required to be paid by them under any such precept.

Repayment &c. of moneys borrowed by Derby Corporation.

40. The provisions of Part XI. (Special provisions relating to Derby Corporation) of the Act of 1899 so far as they relate to the borrowing by the corporation of Derby of moneys required for the payment of interest upon moneys borrowed under that Part of that Act shall extend and apply to and in relation to the borrowing reborrowing and repayment of moneys borrowed by the corporation of Derby under the powers of this Part of this Act.

Repayment &c. of moneys borrowed by Leicester Corporation.

41. The provisions of Part XII. (Special provisions relating to Leicester Corporation) of the Act of 1899 so far as they relate to the borrowing by the Leicester Corporation of moneys required for the payment of interest upon moneys borrowed under that Part of that Act shall extend and apply to and in relation to the borrowing reborrowing and repayment of moneys borrowed by the Leicester Corporation under the provisions of this Part of this Act.

Repayment &c. of moneys borrowed by Sheffield Corporation.

42. Any moneys which the Sheffield Corporation borrow under the provisions of this Part of this Act shall be deemed to be sums which the Sheffield Corporation are authorised to borrow under Part XIII. (Special provisions relating to Sheffield Corporation) of the Act of 1899 and shall be borrowed or reborrowed and repaid in manner provided by that Part of that Act Provided that the Sheffield Corporation shall not be under any obligation to commence payments to their loans fund in respect of the moneys borrowed by them under this Part of this Act until the said thirty-first day of December one thousand nine hundred and nine.

Repayment &c. of moneys borrowed by Nottingham Corporation.

43. The corporation of Nottingham may raise any moneys which they are by this Part of this Act authorised to borrow by the exercise of the borrowing powers for waterworks purposes conferred on them by the Nottingham Corporation Water Act 1897 and the Nottingham Corporation Act 1899 so far as such borrowing

A.D. 1904.

powers are not required for the works authorised by those Acts and the powers of those Acts with respect to the repayment of money borrowed for the construction of works authorised by those Acts shall extend and apply to the repayment of moneys borrowed by the corporation of Nottingham under this Part of this Act Provided that the corporation of Nottingham shall not be under any obligation to make payments to sinking fund or loans fund or to pay any instalments of principal in respect of moneys borrowed under this Part of this Act until the thirty-first day of December one thousand nine hundred and nine.

Part VI.

Miscellaneous.

Extension of time for compulsory purchase of lands by Board.

44. The time limited by the Act of 1899 for the purchase of the lands in the parishes of Hope Woodlands Derwent Thornhill and Bamford all in the county of Derby which the Board are by that Act authorised to acquire compulsorily is hereby extended and may be exercised by the Board for the period of three years from the ninth day of August one thousand nine hundred and six and if and so far as not exercised at the expiration of that period shall then cease.

Extension of time for compulsory purchase of lands by Leicester Corporation.

45. The time limited by the Act of 1899 for the compulsory purchase of lands by the Leicester Corporation is hereby extended and may be exercised by the Leicester Corporation as follows :—

In respect of the works by that Act required to be completed by the Leicester Corporation within ten years for the period of three years from the ninth day of August one thousand nine hundred and four ; and

In respect of the other purposes of that Act for which the Leicester Corporation may acquire lands for the period of three years from the ninth day of August one thousand nine hundred and six ;

and if and so far as not exercised at the expiration of those respective periods shall then cease.

Stopping up of Birchinlee Lane.

46. From and after the passing of this Act the Board may stop up and so far as they are the owners of the lands on both sides thereof appropriate the site and soil of that portion of the road in the parish of Hope Woodlands in the county of Derby known as Birchinlee Lane as lies between the respective points at which that lane is joined by the private road of the Board known as Lower Road and the said private road shall become and be a public highway and shall for all purposes be substituted for the

said portion of Birchinlee Lane and shall be vested in and repaired by the authority in and by whom the said Birchinlee Lane is vested and repaired. A.D. 1904.

Recovery of demands in county court.

47. Proceedings taken under this Act previously to the first day of January one thousand nine hundred and five for the recovery of any demand not exceeding fifty pounds and thereafter for any demand not exceeding one hundred pounds made under the authority of this Act or of the Acts of 1899 or 1901 or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Crown rights.

48. Nothing in this Act affects prejudicially any right power privilege or exemption of the Crown.

Costs of Act.

49. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Board out of the revenue and the contributions of the four corporations or out of moneys borrowed under the powers of the Act of 1899 or the Act of 1901 and the Leicester Corporation shall repay to the Board such additional proportion of the said costs charges and expenses as may be agreed upon or in default of agreement as shall be settled by the standing arbitrator and such additional proportion of the said costs charges and expenses may be paid by the Leicester Corporation out of moneys borrowed by them under the powers of the Act of 1899.

A.D. 1904.

The SCHEDULE referred to in the foregoing Act.

PROPERTIES OF WHICH PORTIONS MAY BE REQUIRED.

Parish.	Numbers on deposited Plans.
Heage	4 7
Belper	23 31 37 46
Morley	5 50
Ripley	12 61 119 122 123
Codnor-cum-Loscoe	37 89 91
Heanor	2 5
Newtown Linford	14 17 18 19

Printed by EYRE and SPOTTISWOODE,
FOR
T. DIGBY PIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.